

**Case No. 12-15633**

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**IN THE UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

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KEVIN EMBRY, individually and on behalf of himself, the general public and  
those similiarly situated,

Plaintiff-Appellee,

v.

ACER AMERICA CORPORATION, a California corporation,

Defendant-Appellee.

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SAM P. CANNATA  
Objector-Appellant

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Appeal from an Order of the United States District Court for the  
Northern District of California, San Francisco Division,  
No. C 09-01808 JW  
The Honorable James Ware

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**PLAINTIFF-APPELLANT'S MOTION FOR VOLUNTARY  
DISMISSAL**

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The Appellant Sam P. Cannata moves the Court to dismiss this appeal pursuant to Federal Rule of Appellate Procedure 42(b). It is agreed that all parties will bear their own costs to be paid and pay any fees that are due.

Respectfully submitted,

/s/ Sam P. Cannata

Sam P. Cannata

### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on June 15, 2012.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Sam P. Cannata

Sam P. Cannata